

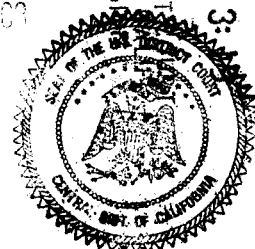
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Attorneys for Respondent

hereby attest and certify that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Deputy



0109

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

DARRYL RANSOM,

Petitioner,

v.

BEN CURRY, WARDEN,

Petitioner.

Respondent

CV 07-04453-PSG (JCR)

**RESPONDENT'S EX PARTE
APPLICATION FOR AN
EXTENSION OF TIME TO
FILE HIS ANSWER TO THE
PETITION FOR WRIT OF
HABEAS CORPUS;
SUPPORTING
DECLARATION OF KIM
AARONS**

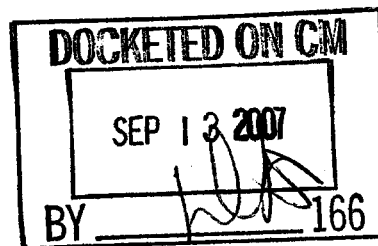
Judge: The Honorable
John Charles Rayburn, Jr.

TO THE HONORABLE JOHN CHARLES RAYBURN, JR., UNITED
STATES MAGISTRATE JUDGE, AND PETITIONER DARRYL RANSOM, IN
PRO PER:

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1 Respondent Ben Curry, Warden of the Correctional Training Facility at
2 Soledad, California, respectfully applies for a first extension of time, through
3 October 14, 2007, to file and serve the Answer to the Petition for Writ of Habeas
4 Corpus. The Answer is currently due by September 14, 2007. This request is
5 based on good cause as set forth in the attached declaration of Kim Aarons. A
6 proposed order is being filed herewith.

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8 Dated: September 11, 2007

9 Respectfully submitted,

10 EDMUND G. BROWN JR.
Attorney General of the State of California

11 DANE R. GILLETTE
Chief Assistant Attorney General

12 JULIE L. GARLAND
Senior Assistant Attorney General

13 HEATHER BUSHMAN
14 Deputy Attorney General

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17 KIM AARONS
18 Deputy Attorney General
19 Attorneys for Respondent

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DECLARATION OF KIM AARONS

I, Kim Aarons, hereby declare and state:

1. I am an attorney at law, duly admitted and licensed to practice law in this Court. I am employed as a Deputy Attorney General for the State of California. In that capacity, I am the attorney representing Respondent in this matter. The following facts are based on my own personal knowledge, except for those facts based on information and belief, which I believe to be true. If called upon as a witness, I could and would competently testify about the following facts.

2. On July 31, 2007, this Court issued an Order Requiring Response to Petition in which Respondent was ordered to file a Motion to Dismiss within thirty days and an Answer within forty-five days. After conducting a preliminary review of the Petition, as well as the records and files in this case, I have determined that I will file an Answer addressing the merits of the Petition. The Answer is presently due by September 14, 2007. I have not previously requested any extensions of time.

3. I do not reasonably anticipate that I will be able to complete and file the Answer by the current due date because I have pleadings to complete in ten state and federal habeas matters before I will be able to turn my attention to the present case. Specifically, I just began researching the relevant issues and drafting an answer to the federal habeas petition of *Borbon v. Davison*, CV-07-04046-ABC (VBK), due on October 5, 2007, on a second extension of time. Once I complete the answer in *Borbon*, I have been ordered by the California Supreme Court to complete an answer to a petition for review in *In re Marco Marroquin*, Cal. Sup. Ct. Case No. S155588, due on September 18, 2007, with no extensions of time to be contemplated. I will then turn my attention to the following matters: *Eastman v. Marshall*, Ninth Circuit Case No. 07-56099, opening brief due on October 1, 2007, on a first extension of time with no further extensions to be granted; *Nestle v. Davison*, CV-07-4331-CAS (OP), response due on September 23, 2007, on a first

1 extension of time; *Osby v. Salazar*, CV-07-4439-ODW (PLA), response due on
 2 September 21, 2007, on a first extension of time; *In re Margo Johnson*, Cal. Ct.
 3 App. Case No. B196040, informal response due on September 26, 2007, on a first
 4 extension of time; *Cowell v. Salazar*, Ninth Circuit Case No. 07-55923, answering
 5 brief due on October 9, 2007, on a first extension of time; *Worline v. Salazar*, CV-
 6 07-03845-CJC (AJW), answer due on October 7, 2007, on a second extension of
 7 time; *In re Joe Daniel Contreras*, Los Angeles County Super. Ct. Case No.
 8 BH004286, return due on October 4, 2007, on a first extension of time; and *Wyatt*
 9 *v. Sisto*, CV-07-636-GHK (E), answer due on October 13, 2007, on a first
 10 extension of time (request pending).

11 4. I have also filed pleadings in seven matters since this Court issued its
 12 order requiring a response to the petition. Specifically, I have completed responses
 13 to federal and state habeas corpus petitions in the following matters: *Nelson v.*
 14 *Horel*, CV 07-02812 ABC (CW), *Welch v. Subia*, EDCV 07-00326-MMM (MAN);
 15 *Bowling v. Hernandez*, 06-CV-2477 H (NLS); *In re Richard Bell*, Imperial County
 16 Super. Ct. Case No. D34780; *In re Rudy Doria*, San Luis Obispo County Super. Ct.
 17 Case No. HC-4258(1); *In re Alan Barnes*, San Diego County Super. Ct. Case No.
 18 HSC-10921; and *Billieu v. Curry*, CV-07-00701-DDP (E).

19 5. Accordingly, I am respectfully requesting an extension of time,
 20 through October 14, 2007, to file and serve the Answer to the Petition.

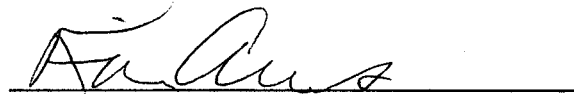
21 6. This request is made in good faith and is based on good cause as set
 22 forth above. The request is not made to harass Petitioner, to delay the outcome of
 23 this matter, or for any other improper purpose.

24 7. I do not believe that Petitioner will be prejudiced by a delay in the
 25 consideration of his claims. Allowing Respondent the brief amount of time
 26 required to prepare a proper response will serve the interests of justice without
 27 materially prejudicing or unduly benefitting either side.

28 8. Because Petitioner is in pro se and is presently incarcerated, I have not

1 contacted him to ascertain whether he has any objection to this request. Petitioner
2 will receive notice of this ex parte application by mail at the address he provided
3 the Clerk of this Court.

4 I declare under penalty of perjury and the laws of the United States that the
5 foregoing is true and correct. Executed this 11th day of September, 2007 at San
6 Diego, California.

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8 KIM AARONS
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DECLARATION OF SERVICE BY U.S. MAIL

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Case Name: **Ransom v. Curry**

Case No.: **07-CV-04453-PSG (JCR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

On September 11, 2007, I served the attached:

**RESPONDENT'S EX PARTE APPLICATION FOR AN EXTENSION
OF TIME TO FILE HIS ANSWER TO THE PETITION FOR WRIT
OF HABEAS CORPUS; SUPPORTING DECLARATION OF KIM
AARONS**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:

**Darryl Ransom, #E40704
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960-0686**

In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 11, 2007, at San Diego, California.

F. Terrones

Declarant



Signature

70100961.wpd